

Michigan Law Review

Volume 86 | Issue 6

1988

Front Matter

Michigan Law Review

Follow this and additional works at: <https://repository.law.umich.edu/mlr>

Recommended Citation

Michigan Law Review, *Front Matter*, 86 MICH. L. REV. i (1988).

Available at: <https://repository.law.umich.edu/mlr/vol86/iss6/1>

This Front Matter is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

Michigan Law Review

Vol. 86, No. 6

May 1988

*1988 Survey of Books
Relating to the Law*

CONTENTS

I. LAW AND SOCIETY

DALTON, BURRIS & THE YALE AIDS LAW PROJECT: AIDS AND THE LAW	<i>Judith Areen</i>	1067
TUSHNET: THE NAACP'S LEGAL STRATEGY AGAINST SEGREGATED EDUCATION, 1925-1950	<i>Robert L. Carter</i>	1083
GOLDSTEIN, FREUD, SOLNIT & GOLDSTEIN: IN THE BEST INTERESTS OF THE CHILD.....	<i>Peggy C. Davis</i>	1096
JACOB: A SILENT REVOLUTION: ROUTINE POLICY MAKING AND THE TRANSFORMATION OF DIVORCE LAW IN THE UNITED STATES.....	<i>Carl E. Schneider</i>	1121
BELL: AND WE ARE NOT SAVED		1130
BLOOM: THE CLOSING OF THE AMERICAN MIND		1135
GUTMANN: DEMOCRATIC EDUCATION.....		1140

HANDLER: THE CONDITIONS OF DISCRETION	1147
EDELMAN: FAMILIES IN PERIL.....	1154

II. TORT AND COMMERCIAL LAW

LANDES & POSNER: THE ECONOMIC STRUCTURE OF TORT LAW.....	<i>Peter C. Carstensen</i>	1161
FOX: FINANCE AND INDUSTRIAL PERFORMANCE IN A DYNAMIC ECONOMY	<i>Deborah A. DeMott</i>	1185
BIRNBAUM & MURRAY: SHOWDOWN AT GUCCI GULCH: LAWMAKERS, LOBBYISTS AND THE UNLIKELY TRIUMPH OF TAX REFORM.....	<i>Pamela Brooks Gann</i>	1196
SHAVELL: ECONOMIC ANALYSIS OF ACCIDENT LAW	<i>Michelle J. White</i>	1217
PATRICK: JAPAN'S HIGH TECHNOLOGY INDUSTRIES		1232
LONGSTRETH: MODERN INVESTMENT MANAGEMENT AND THE PRUDENT MAN RULE		1237
SAMUELS & MILLER: CORPORATIONS AND SOCIETY		1243
ADAMS & BROCK: THE BIGNESS COMPLEX		1247

III. THE CONSTITUTION AND THE COURTS

LIEBERMAN: THE ENDURING CONSTITUTION	<i>Robert F. Drinan</i>	1254
LEVY, KARST & MAHONEY: ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION.....	<i>David M. Skover</i>	1257

SPITZER: SEVEN DIRTY WORDS AND SIX OTHER STORIES: CONTROLLING THE CONTENT OF PRINT AND BROADCAST.....	<i>Jonathan Weinberg</i>	1269
SMITH: PUBLIC PRAYER AND THE CONSTITUTION.....		1294
ESTREICHER & SEXTON: REDEFINING THE SUPREME COURT'S ROLE.....		1301
NOONAN: THE BELIEVER AND THE POWERS THAT ARE.....		1307
FINO: THE ROLE OF STATE SUPREME COURTS IN THE NEW JUDICIAL FEDERALISM.....		1311
LEVY: CONSTITUTIONAL OPINIONS.....		1315

IV. CRIME AND PUNISHMENT

DUTILE & FOUST: THE PREDICTION OF CRIMINAL VIOLENCE	<i>Sheri Lynn Johnson</i>	1322
ZIMRING & HAWKINS: CAPITAL PUNISHMENT AND THE AMERICAN AGENDA		1331
MCINTYRE: THE PUBLIC DEFENDER		1336
BENNETT: CRIMEWARPS: THE FUTURE OF CRIME IN AMERICA		1340

V. GENDER AND JUSTICE

GLAZER & SLATER: UNEQUAL COLLEAGUES: THE ENTRANCE OF WOMEN INTO THE PROFESSIONS, 1890-1940	<i>Clare Dalton</i>	1346
--	---------------------	------

ESTRICH: REAL RAPE	<i>Janet E. Findlater</i>	1356
THOMSON: RIGHTS, RESTITUTION, & RISK	<i>Patricia A. Cain & Jean C. Love</i>	1365
MACKINNON: FEMINISM UNMODIFIED	<i>Christina B. Whitman</i>	1388
GLENDON: ABORTION AND DIVORCE IN WESTERN LAW		1404
MANSBRIDGE: WHY WE LOST THE ERA		1408

VI. LEGAL HISTORY

SCHWARTZ: THE BURGER YEARS	<i>Joel B. Grossman</i>	1414
VITTOZ: NEW DEAL LABOR POLICY AND THE AMERICAN INDUSTRIAL ECONOMY		1425
DAVIES & FOURACRE: THE SETTLEMENT OF DISPUTES IN EARLY MEDIEVAL EUROPE.....		1430

VII. LAW, PHILOSOPHY, AND LITERATURE

UNGER: POLITICS: A WORK IN CONSTRUCTIVE SOCIAL THEORY	<i>Don Herzog</i>	1434
THOMPSON: POLITICAL ETHICS AND PUBLIC OFFICE	<i>J. Patrick Dobel</i>	1450
WEINREB: NATURAL LAW AND JUSTICE		1466
TUR & TWINING: ESSAYS ON Kelsen.....		1470
READ: LEGAL THINKING		1475

VIII. INTERNATIONAL LAW

VINCENT: HUMAN RIGHTS AND INTERNATIONAL RELATIONS.....	1480
D'AMATO: INTERNATIONAL LAW	1485

IX. CASEBOOKS

MURPHY, FLEMING & HARRIS: AMERICAN CONSTITUTIONAL INTERPRETATION	<i>Hadley Arkes</i> 1492
---	--------------------------

X. CORRESPONDENCE

HOT AIR IN THE REDWOODS, A SEQUEL TO THE WIND IN THE WILLOWS.....	<i>William Twining</i> 1523
--	-----------------------------

Michigan Law Review

Vol. 86, No. 6

May 1988

EDITORIAL BOARD

Editor-in-Chief

MELISSA H. MAXMAN, *of Washington, D.C.*

Managing Editor

GARY A. MACDONALD, *of Michigan*

Book Review Editors

LISSA M. CINAT, *of Michigan*
JUDITH L. HUDSON, *of Michigan*

Executive Article Editor

RICHARD A. KABA, *of Michigan*

Executive Note Editor

GREGORY A. KALSCHUR, *of Wisconsin*

Executive Editors

PATRICK T. CONNORS, *of Michigan*
MARILYN MANN, *of Michigan*

ERIC M. ACKER, *of California*
MARK S. BERNSTEIN, *of Illinois*
PATRICK B. CAREY, *of Michigan*
MICHAEL L. CHIDESTER, *of Utah*
STEVEN T. CORLISS, *of Michigan*
BARRY L. JOHNSON, *of Iowa*
ALISON R. KEAN, *of Ohio*
ANDREW M. KENEFICK, *of Washington*
BRIAN K. KNOX, *of Ohio*

MICHAEL N. AMBLER, *of New York*
SANDIP C. BHATTACHARJ, *of New York*
KERRITT J. BROOKS, *of Michigan*
ANNE E. CAMPBELL, *of Michigan*
STEVEN F. CHERRY, *of Indiana*
DARLEEN R. DARNALL, *of Oregon*
MARCELLA DAVID, *of New York*
TODD J. EHLMAN, *of Illinois*
SARA A. ENGLE, *of Michigan*
STEVEN R. ENGLUND, *of Minnesota*
HEIDI L. FELDMAN, *of New Jersey*
ELIZABETH S. FERGUSON, *of Indiana*
JONATHAN T. FOOT, *of Massachusetts*
PETER J. HAMMER, *of Washington*
LYNDA L. HOMERDING, *of Virginia*
KEVIN E. KENNEDY, *of California*
ROBERT R. KIMBALL, *of Michigan*
BRANDON D. LAWNICZAK, *of Michigan*

Article Editors

STEVEN G. BRADBURY, *of Oregon*
ANN H. COULTER, *of Connecticut*
JEFFREY A. HALL, *of Michigan*
M. SEAN LAANE, *of Illinois*
ANDREW J. MCGUINNESS, *of Michigan*

Note Editors

DAVID T. AZRIN, *of Florida*
DAVID H. BROMFIELD, *of Massachusetts*
MARK A. GRANNIS, *of Ohio*
WARD A. GREENBERG, *of New York*
JEFFREY G. MORAN, *of Illinois*
MARYELENA PARDO, *of Indiana*
FRANK G. ZARB, *of New York*

Contributing Editors

SCOTT M. KOSNOFF, *of Indiana*
JONATHAN H. MARGOLIES, *of New York*
TODD J. MAYBROWN, *of New York*
DONALD S. PLUM, *of Ohio*
FRANK C. SHAW, *of New York*
HARRY R. SILVER, *of Colorado*
JAMES L. THOMPSON, *of Indiana*
CHARLES F. WEISS, *of Maryland*

Associate Editors

JONATHAN L. MARKS, *of Illinois*
CREIGHTON R. MELAND, *of Michigan*
TIMOTHY F. MELLETT, *of Minnesota*
RICHARD L. MUGEL, *of New York*
JULIE E. OETTINGER, *of Illinois*
NELLIE PAPPAS, *of Michigan*
ETHAN M. POSNER, *of New York*
JESSICA M. RIZZOLO, *of North Carolina*
MICHAEL D. ROSENTHAL, *of New Jersey*
JEREMY R. SALESIN, *of New York*
LINDA A. SCHOEMAKER, *of Minnesota*
KENNETH F. SPARKS, *of Alabama*
JAMES R. STEFFEN, *of Michigan*
JOHN P. STIMSON, *of Michigan*
MAUREEN P. TAYLOR, *of Michigan*
JULIO A. THOMPSON, *of Michigan*
SARA J. VANCE, *of Arizona*
ROBERT S. WHITMAN, *of New York*

BUSINESS MANAGER

Eleonora V. Eckert

EDITORIAL ASSISTANT

Jenne S. Moldovan

UNIVERSITY OF MICHIGAN LAW SCHOOL

Administrative Officers

ROBBEN W. FLEMING, B.A., LL.B., LL.D., *Interim President of the University*
 JAMES J. DUDERSTADT, M.S., PH.D., *Provost and Vice President for Academic Affairs*
 LEE C. BOLLINGER, B.S., J.D., *Dean*
 EDWARD H. COOPER, A.B., LL.B., *Associate Dean for Academic Affairs*
 SUSAN M. EKLUND, A.B., J.D., *Associate Dean for Student Affairs and Operations*
 BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.J.D., *Associate Dean for the Law Library*
 VIRGINIA B. GORDAN, B.A., J.D., *Assistant Dean for Student Affairs*
 JONATHAN D. LOWE, B.A., J.D., *Assistant Dean for Law School Relations*
 ALLAN T. STILLWAGON, A.B., M.A., *Assistant Dean and Admissions Officer*

Professors Emeriti of Law

FRANCIS A. ALLEN, A.B., LL.B., J.D., LL.D., <i>Edson R. Sunderland Professor of Law</i>	FRANK R. KENNEDY, A.B., LL.B., J.S.D., <i>Thomas M. Cooley Professor of Law</i>
OLIN L. BROWDER, JR., A.B., LL.B., S.J.D., <i>James V. Campbell Professor of Law</i>	MARVIN L. NIEHUSS, A.B., LL.B.
ALFRED F. CONARD, A.B., LL.B., LL.M., J.S.D., LL.D., <i>Henry M. Butzel Professor of Law</i>	GEORGE E. PALMER, A.B., J.D., LL.M.
LUKE K. COOPERRIDER, B.S., J.D.	ROY F. PROFFITT, B.S., J.D., LL.M.
ROBBEN W. FLEMING, B.A., LL.B., LL.D.	ALLAN F. SMITH, A.B., LL.B., LL.M., S.J.D.
	RUSSELL A. SMITH, A.B., J.D.
	ERIC STEIN, J.U.D., J.D., Dr.H.C., Dr.H.C., <i>Hessel E. Yntema Professor of Law</i>

Professors of Law

T. ALEXANDER ALEINIKOFF, B.A., J.D.	SALLYANNE PAYTON, A.B., LL.B.
LAYMAN E. ALLEN, A.B., M.P.A., LL.B.	WILLIAM J. PIERCE, ** A.B., J.D.
LEE C. BOLLINGER, B.S., J.D.	BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.J.D.
DAVID L. CHAMBERS, A.B., LL.B.	MARTIN A. REDISH, * A.B., J.D.
EDWARD H. COOPER, A.B., LL.B.	JOHN W. REED, ** A.B., LL.B., LL.M., Jur.Sc.D., <i>Thomas M. Cooley Professor of Law</i>
ROGER A. CUNNINGHAM, S.B., J.D., <i>James V. Campbell Professor of Law</i>	DONALD H. REGAN, A.B., LL.B., B.Phil., Ph.D.
DONALD N. DUQUETTE, †† B.A., J.D.	THEODORE J. ST. ANTOINE, A.B., J.D., <i>James E. and Sarah A. Degan Professor of Law</i>
PHOEBE C. ELLSWORTH, A.B., Ph.D.	TERRANCE SANDALOW, ** A.B., J.D.
SAMUEL D. ESTEP, A.B., J.D.	FREDERICK F. SCHAUER, A.B., M.B.A., J.D.
MERRITT B. FOX, * B.A., J.D., Ph.D.	CARL E. SCHNEIDER, ** A.B., J.D.
RICHARD D. FRIEDMAN, * B.A., J.D., D.Phil.	JOEL SELIGMAN, A.B., J.D.
BRUCE W. FRIER, B.A., Ph.D.	A. W. BRIAN SIMPSON, B.A., M.A., D.C.L., <i>Charles F. and Edith J. Clyne Professor of Law</i>
ANN J. GELLIS, * B.A., J.D.	PHILIP SOPER, ** B.A., M.A., J.D., Ph.D.
WHITMORE GRAY, A.B., J.D., LL.D.	PETER O. STEINER, ** A.B., M.A., Ph.D.
THOMAS A. GREEN, B.A., Ph.D., J.D.	JOSEPH VINING, B.A., M.A., J.D., <i>Harry Burns Hutchins Professor of Law</i>
BARRY E. HAWK, * A.B., LL.B.	LAWRENCE W. WAGGONER, B.B.A., J.D., D.Phil., <i>Lewis M. Simes Professor of Law</i>
LEON E. IRISH, B.A., J.D., D. Phil.	ANDREW S. WATSON, B.S., M.D., M.S. in Med.
JEROLD H. ISRAEL, B.B.A., LL.B., <i>Alene and Allan F. Smith Professor of Law</i>	STEVEN WECHSLER, * B.S., M.B.A., J.D.
JOHN H. JACKSON, B.A., J.D., <i>Hessel E. Yntema Professor of Law</i>	JOSEPH WEILER, B.A., LL.B., Ph.D. LL.M.
DOUGLAS A. KAHN, B.A., J.D., <i>Paul G. Kauper Professor of Law</i>	PETER K. WESTEN, ** B.A., J.D.
YALE KAMISAR, ** A.B., LL.B., LL.D., <i>Henry King Ransom Professor of Law</i>	JAMES BOYD WHITE, A.B., A.M., LL.B., <i>L. Hart Wright Professor of Law</i>
THOMAS E. KAUPER, A.B., J.D., <i>Henry M. Butzel Professor of Law</i>	JAMES J. WHITE, B.A., J.D., <i>Robert A. Sullivan Professor of Law</i>
JAMES E. KRIER, B.S., J.D.	CHRISTINA B. WHITMAN, A.B., M.A., J.D.
RICHARD O. LEMPFT, A.B., J.D., Ph.D.	
WILLIAM I. MILLER, ** B.A., Ph.D., J.D.	

Associate Professors of Law

REBECCA S. EISENBERG, ** B.A., J.D.	JESSICA D. LITMAN, ** B.A., M.F.A., J.D.
SAMUEL R. GROSS, A.B., J.D.	

Assistant Professors of Law

CLARK D. CUNNINGHAM, †† B.A., J.D.	JEFFREY S. LEHMAN, A.B., J.D., M.P.P.
LISA E. D'AUNNO, †† A.B., J.D.	MATHIAS W. REIMANN, Dr. iur., LL.M.
MARIE R. DEVENEY, B.A., M.A., J.D.	PAUL D. REINGOLD, †† B.A., J.D.
MARTIN A. GEER, †† B.A., J.D.	DENNIS E. ROSS, ** B.A., J.D.
DAVID J. HERRING, †† B.B.A., J.D.	SUELLYN SCARNECCHIA, †† B.A., J.D.
AVERY KATZ, B.A., M.A., J.D., Ph.D.	KENT D. SYVERUD, B.S.F.S., J.D., M.A.
LEO KATZ, B.A., M.A., J.D.	MARK C. VAN PUTTEN, †† B.A., J.D.

Instructor in Law

MARY F. WHITE, † B.A., J.D.

Lecturers in Law

HERBERT A. JORDAN, † B.G.S., J.D.	STEVEN D. PEPE, † B.A., J.D., LL.M.
CYRIL MOSCOW, † B.S., J.D.	EDWARD R. STEIN, † B.A., J.D.

* Visiting † Adjunct
 ** On Leave †† Clinical